

# TELEGRAM

OUTGOING

Foreign Service of the  
United States of America

AmEmbassy RIO DE JANEIRO

SECSTATE 1944

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Classification

Charge:

Control: 506

ACTION: SecState WASHINGTON 1944

Date: March 18, 1965  
2030

REF.: Deptel 1271

Declassified  
Authority: 43265 By:  
Amanda Weimer Date:  
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1. Herewith facts and background Dutra case to assist Dept in answering any queries. As Dept aware, opposition press keeps plugging constantly on heartstring angles in connection persons awaiting trial in jail on charges arising from pre-revolution acts.

2. Former Guanabara Vice Governor and federal deputy Eloi Dutra, whose mandates cancelled and political rights suspended by revolution, returned to Brazil on March 15 from self-imposed political exile in Uruguay. Upon arrival in São Paulo from Montevideo, Dutra was arrested by São Paulo political police and transferred ~~to~~ March 16 to custody Guanabara political police who reportedly held him on basis informal request of Army. Lacerda immediately visited Dutra in Guanabara jail, ordered him released, and personally took him to home of Dutra's mother. Several hours later, Army police arrested Dutra and he is now being held by First Army authorities.

3. Lacerda issued note March 16 explaining that Dutra not repeat not wanted by Guanabara authorities and not involved in any

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judicial process initiated by State of Guanabara. Note added  
Dutra involved in Police-Military Inquiry outside competence  
of state government and asserted: "Government of Guanabara is  
not warden or slave chaser. It does not arrest on behalf of  
third parties without judicial mandate...Return from exile,  
and desistence of asylum which protected him, seem to indicate  
Eloi Dutra intends defend himself within country from accusa-  
tions being articulated against him by processing authorities...  
~~XXXXX~~ Detention later by Army Police is matter of competence  
~~and~~ and authority of Ministry of War which assumes full and  
exclusive responsibility for its act...Police authority of  
state will always attend only imperatives public order and  
mandates of prison issued by authorities which have legal  
competence to thus proceed...State government gave protection  
to Eloi Dutra for reasons humanity and in accordance with  
temperament and tradition of Brazilian people..."

4. Comment - Legality Dutra's arrest and detention  
questionable. Dutra accused of improper use political influence  
in IPM over irregularities in administration Guanabara branch  
federal savings bank, but no formal charges known be pending  
against him. Nevertheless, First Army Commander General Terra

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Ururai reportedly told press Dutra arrested by determination  
of Army because implicated in IPM report, EO50x1

[echoed Correio da Manhã,] Army holding him to prevent contact  
with others implicated in IPMs prior to his testimony.

5. ~~XXXXXXXXXX~~ Lacerda's behavior probably based less  
on concern over "intentions of military who run federal govern-  
ment" than on desire avoid stigma and make political headway  
among large bloc Guanabara public which voted for Dutra in  
1962 elections. Lacerda and Dutra are old political enemies  
whose personal and political feuding dates back at least ten  
~~years~~ years, and we doubt Lacerda's sensitivities to legal aspects  
Dutra arrest had any bearing on his behavior. (Jornal do Brasil,  
for example, reports Guanabara lawyers wonder why Lacerda has  
not shown same concern when responding to other informal  
requests of Army for arrest of <sup>other</sup> ~~other~~ persons.) Lacerda  
doubtless aware Dutra would be subsequently arrested by Army,  
so his gesture seems designed appeal to Dutra's public supporters  
and shift complete burden for Dutra's arrest on federal govern-  
ment.

6. Issue has provoked some press comment, mostly directed  
toward Lacerda's actions. Ultima Hora seemed more determined

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expose Lacerda's motivations in releasing Dutra than in criticizing government or Army for rearresting him. Correio da Manhã commented on irony of Lacerda now treating enemies of the federal government as friends or at least as political neutrals, and O Jornal and Jornal do Brasil reported <sup>o</sup>same elements of Army greatly disturbed by Lacerda's behavior, the former speculating Dutra may remain in prison for extended period as a result.

7. Also possibly related to this case is Tribuna da Imprensa report March 17 of rumored mass return exiles next few weeks. GP-3

GORDON

POL: ~~OK~~ilday:rb

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POL - Mr. Krebs

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